

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re:)
)
EAGLE PROPERTIES AND) Bankruptcy Case
INVESTMENTS, LLC,) No. 23-10566-KHK
) Chapter 7
Debtor.)
)

**AMENDED ORDER APPROVING SALE OF 2565 (F) AND 2567 (E) CHAIN BRIDGE
ROAD, VIENNA, VA FREE AND CLEAR OF LIENS, CLAIMS AND INTERESTS
PURSUANT TO 11 U.S.C. § 363(f)**

UPON CONSIDERATION of the motion (Docket No. 492) ("Motion") of H. Jason Gold, chapter 7 trustee ("Trustee"), to approve the sale of the property commonly known as 2565 (F) (the "2565 (F) Property") and 2567 (E) Chain Bridge Road, Vienna, VA (the "2567 (E) Property" and together, with the 2565 (F) Property, the "Property"); and the Trustee having filed a Supplement to the Motion on June 17, 2024 (Docket No. 503); and it appearing that proper and adequate notice of the Motion has been given and that no further notice is necessary; and it appearing that the sale of the Property as set forth in the Motion is in the best interest of the estate and its creditors, and it further appearing that based upon the endorsements of counsel set forth below that LINKBANK and Bala Jain; LLC have consented to the sale of the Property as set forth herein, and that the Property may be sold free and clear of the lien of the First Deed of Trust held by LinkBank dated August 25, 2020, and recorded on August 26, 2020, in Deed Book 26452 at Page 0080; along with the Assignment of Leases and Rents recorded in Deed Book 26452 at Page 0088, provided that LinkBank receives the net proceeds from each sale after payment in full of

Dylan G. Trache, Va. Bar No. 45939
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all past due condo fees, past due real estate taxes, commissions, closing costs, reimbursements, prorations, \$1,000 seller credit, Bankruptcy Estate Payment and the 326(a) Trustee Commissions; and that the property may be sold free and clear of the lien of the Second Deed of Trust held by Bala Jain, LLC in the amount of \$500,000.00, dated November 30, 2020, and recorded on February 16, 2021, in Book 26891 at Page 0515, accordingly:

IT IS HEREBY ORDERED THAT:

1. The Motion as supplemented is GRANTED.
2. The Trustee is authorized to sell the 2565 (F) Property to BEKK Holdings LLC and the 2567 (E) Property to Pure Wellness Lifestyle LLC¹ (the "Purchaser") for the aggregate sale price of \$830,000.00 consistent with the sales contract attached to the Motion as Exhibit A free and clear of all liens, claims encumbrances and interests, including those of LINKBANK and Bala Jain, LLC.
3. The Trustee is authorized to pay the secured claim of LINKBANK as set forth in

¹ The Property has the following legal description:

Condominium Unit 2-E of the Vienna Oaks Office Condominium, as the same is more particularly described in the Declaration recorded in Deed Book 5724 at Page 790 and any amendments thereto recorded among the Land Records of Fairfax County, Virginia.

TOGETHER WITH a 9.420 percentage interest in the common elements and subject to the terms and conditions of the Declaration, Exhibits Plats and Plans and By-Laws recorded in Deed Book 5724 at Page 790.

The improvements thereon being known as 2567 Chain Bridge Road, Suite 2-E, Fairfax, VA 22030

AND

Condominium Unit 2-F of the Vienna Oaks Office Condominium, as the same is more particularly described in the Declaration recorded in Deed Book 5724 at Page 790 and any amendments thereto recorded among the Land Records of Fairfax County, Virginia.

TOGETHER WITH a 9.420 percentage interest in the common elements and subject to the terms and conditions of the Declaration, Exhibits Plats and Plans and By-Laws recorded in Deed Book 5724 at Page 790.

The improvements thereon being known as 2567 Chain Bridge Road, Suite 2-F, Fairfax, VA 22030

the draft ALTAs attached collectively hereto as Exhibit A (“ALTA”).

4. Closing on the Property shall be conducted contemporaneously.

5. At closing on the Property, the Trustee shall receive, for the benefit of the estate the total sum of \$24,900.00 representing his commission under Section 326 of the Bankruptcy Code plus \$41,500.00 as additional consideration for the bankruptcy estate free and clear of all liens, claims and interests.

6. The Trustee is authorized to pay a three percent (3%) commission to his broker Century 21 Commercial New Millennium at closing for services rendered in representing the Trustee in connection with the sale.

7. The Trustee is authorized to pay a three (3%) commission to Verity Commercial, LLC at closing for services rendered in representing the Purchaser in connection with the sale.

8. The Trustee is authorized to pay all outstanding real estate taxes and other customary closing costs consistent with the ALTA.

9. The Trustee is authorized to reimburse Auction Markets, LLC at closing in an amount not to exceed \$1,000.00 for any property preservation expenses, as needed, including utilities, insurance, maintenance, repairs and trash removal.

10. This Order may be recorded in the land records wherein the subject Property is located.

11. This Court retains jurisdiction with respect to any disputes regarding the Property following the sale.

12. This Order shall be effective immediately and shall not be subject to the stay provided in Federal Rule of Bankruptcy Procedure 6004(h) or any other applicable stay.

Dated: Jul 30 2024

/s/ Klinette H Kindred
United States Bankruptcy Judge

PREPARED BY:

Entered On Docket: Jul 30 2024

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By: /s/ Dylan G. Trache
Dylan G. Trache, Va. Bar No. 45939

Counsel to the Chapter 7 Trustee

SEEN AND AGREED:

BLANKINGSHIP & KEITH, P.C.
4020 University Drive, Suite 300
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Tel: (703) 691-1235
Fax: (703) 691-3913

By: /s/ James R. Meizanis, Jr. (by DGT with authority)
Jeremy B. Root, (VA Bar No. 65885)
James R. Meizanis, Jr. (VA Bar 80692)

Counsel to LINKBANK

SEEN:

ROGAN MILLER ZIMMERMAN, PLLC
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BY: /s/Christopher L. Rogan (by DGT with authority)
Christopher L. Rogan (Bar No. 30344)

Attorneys for Bala Jain, LLC

CERTIFICATION PURSUANT TO LOCAL RULE 9022-1(C)

I HEREBY CERTIFY that this Order has been endorsed by all necessary parties.

/s/ Dylan G. Trache
Dylan G. Trache

LIST OF PARTIES TO RECEIVE NOTICE OF ENTRY
PURSUANT TO LOCAL RULE 9022-1

Dylan G. Trache
NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001

Michael Freeman
OFFICE OF THE UNITED STATES TRUSTEE
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Stephen Karbelk
Team Leader, RealMarkets
Century 21 New Millennium
Century 21 Commercial New Millennium
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WOMBLE BOND DICKINSON (US) LLP
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Justin Fasano
MCNAMEE, HOSEA, P.A
6404 Ivy Lane, Suite 820
Greenbelt, MD 20770

Christopher Rogan
ROGAN MILLER ZIMMERMAN, PLLC
50 Catoctin Circle, NE, Suite 300
Leesburg, Virginia 20176

In re:
Eagle Properties and Investments LLC
Debtor

Case No. 23-10566-KHK
Chapter 7

District/off: 0422-9

User: TaiGlennB

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Date Rcvd: Jul 30, 2024

Form ID: pdford9

Total Noticed: 4

The following symbols are used throughout this certificate:

Symbol **Definition**

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 01, 2024:

Recip ID	Recipient Name and Address
	+ Lisa Bittle Tancredi, Womble Bond Dickinson (US) LLP, 100 Light Street, 26th Floor, Baltimore, MD 21202-1153
RE	+ Stephen Karbelk, Team Leader, RealMarkets, Century 21 New Millennium, 6629 Old Dominion Dr, McLean, VA 22101-4516

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	+ Email/Text: ustpregion04.ax.ecf@usdoj.gov	Jul 31 2024 00:26:00	UST smg Alexandria, Office of the U. S. Trustee, 1725 Duke Street, Suite 650, Alexandria, VA 22314-3489
prof	Email/Text: stephen@realmarkets.com	Jul 31 2024 00:25:00	Stephen Karbelk, Team Leader, RealMarkets, Century 21 New Millennium, 20405 Exchange St, Suite 221, Ashburn, VA 20147

TOTAL: 2

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 01, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 30, 2024 at the address(es) listed below:

Name **Email Address**

Andrew S Goldstein

on behalf of Creditor GITSIT Solutions LLC AGoldstein@mglspc.com, jcoffman@mglspc.com

Barry W. Spear

on behalf of Creditor Aero Mortgage Loan Trust 2019- 1 Barry.Spear@bww-law.com bankruptcy@bww-law.com

District/off: 0422-9

Date Recd: Jul 30, 2024

User: TaiGlennB

Form ID: pdford9

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Total Noticed: 4

Bradley J. Swallow

on behalf of Defendant Main Street Bank bswallow@fblaw.com

Christian K. Vogel

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clano@whitefordlaw.com,dchaney@whitefordlaw.com

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Christopher L. Rogan

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Christopher L. Rogan

on behalf of Defendant Ishwer Butani crogan@rmzlawfirm.com

Christopher L. Rogan

on behalf of Defendant Bala Jain LLC crogan@rmzlawfirm.com

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David S. Musgrave

on behalf of Creditor Fulton Bank N.A. dmusgrave@gfrlaw.com, vhlbun@gfrlaw.com

David S. Musgrave

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linnea.hann@nelsonmullins.com;alexandria.tracy@nelsonmullins.com;mari.cooper@nelsonmullins.com

Elizabeth Husebo

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Elizabeth Husebo

on behalf of Defendant First Class Title Inc. ehusebo@grsm.com

Erik W. Fox

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on behalf of Creditor Atlantic Union Bank mboyd@williamsullen.com

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Jeffery T. Martin, Jr.

District/off: 0422-9

Date Rcvd: Jul 30, 2024

User: TaiGlennB

Form ID: pdford9

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Total Noticed: 4

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TOTAL: 49